

The principal reason IPSCO retained Dr. Wooley as an expert at trial was his opinion that “if Defendants were to independently develop technology that delivers threaded connector performance and benefits that is similar to those derived from practicing the Trade Secrets, it would have taken Defendants at least 2 years to do so from the earliest known date of

misappropriation.” Motion, Ex. 1, at -2-. One of IPSCO’s experts, Walter Bratic, relied upon Dr. Wooley’s minimum 2-year opinion regarding independent development timetable to determine the benefit conferred on OFSi due to their “Head Start Advantage.”

Specifically, Mr. Bratic calculated the financial benefit conferred as a result of OFSi’s “Head Start Advantage” by using Mr. Stai’s calculations of OFSi’s actual profits—which are based on OFSi’s financial information for the period running from July of 2018 through February of 2020- a period of 20 months —and extrapolating those profits through June of 2020 – a period of 24 months, the minimum head start advantage time period. Mr. Bratic chose June 2020 because that marks two years, or twenty-four months, from the beginning of OFSi’s misappropriation. Mr. Bratic chose two years because Mr. Wooley opined that it would have taken OFSi at least two years to independently develop its connections that are at issue in this case.

By the time of trial, more than two years will have elapsed. If the Court finds that OFSi made sales of the Accused Products from March 1, 2020 through trial using Plaintiffs’ trade secrets or confidential information, IPSCO will rely on Mr. Stai’s updated calculations for OFSi’s actual profits through trial, not Mr. Bratic’s calculations for head start advantage. There is thus no need for Mr. Bratic to rely on this opinion from Dr. Wooley

For this reason, and in order to shorten the trial and streamline the presentation to the Court, IPSCO has decided not to call Dr. Wooley as a witness at trial. IPSCO respectfully requested that the motion to be denied as moot as opposed to granted because the latter may imply a decision of the merits of Defendants’ motion and unfairly tarnish Dr. Wooley.

III.

For all these reasons, the Court should deny Defendants’ Motion to Strike the Expert Opinions of Gary Wooley as moot.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

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